

Congress of the United States

Washington, DC 20515

June 18, 2019

Secretary Benjamin S. Carson Sr., M.D.
United States Department of Housing and Urban Development
451 7th Street S.W.
Washington, D.C. 20410

Dear Secretary Carson:

As members of the Congressional Hispanic Caucus (CHC), Congressional Black Caucus (CBC), and the Congressional Asian Pacific American Caucus (CAPAC), known collectively as the Congressional Tri-Caucus, we write to express our profound concerns with the proposed rule crafted by the U.S. Department of Housing and Urban Development (HUD) aimed at restricting current program benefits for residents in Public Housing and other assisted housing programs.¹ The proposed rule targets households of mixed-immigration status families who receive federal housing subsidies, effectively threatening to split children who are U.S. citizens from their parents who are not. Contrary to the administration's claims, the premise of the rule is deeply flawed and would do little to solve the challenges impacting our nation's affordable housing programs. In fact, according to HUD's own analysis, the rule would displace more than 55,000 children who are all legal U.S. residents or citizens. We respectfully ask HUD to withdraw the proposed rule, which is another policy proposal that targets immigrant families and falls drastically short of addressing America's affordable housing crisis.

We strongly reject the rule's aim to limit opportunities for financial assistance for "mixed families" who are currently eligible. The proposed changes to current regulations and the impact it will have on families is disturbing. The original rule intended the use of prorated assistance for mixed family households to assure family unity for those who would be eligible. The retroactive nature of the proposed rule's provisions would potentially cause an increase in homelessness as heads of households, spouses and other current tenants would be forced to meet new criteria that were not in effect during the time of their original lease or provision of benefits. HUD's approach represents a major shift from current HUD policy, and by design makes it more difficult for families to access assistance for which they would otherwise be eligible.

Additionally, this proposed rule runs counter to HUD's original intent and breaks away with policy the Department has had in place for over twenty years. Under current regulatory guidelines, noncitizens are only required to provide a signed declaration, proof of legal status and a signed verification consent form.² Similar requirements are imposed for seniors aged 62 or older, but only requiring a signed declaration of eligible immigration status and proof of age.³ HUD's proposed rule rolls back these flexible mechanisms by instead requiring all persons to submit immigration-related proof, or "other appropriate documentation specified by HUD." This documentation is due at the time of application for assistance. We are concerned that these requisites will overwhelm families given the prolonged case processing delays by the US Citizenship and Immigration Services (USCIS).⁴ Currently, the average case processing time has increased by 46% in comparison to 2016.⁵ Delays in paperwork, including lost or misplaced legal noncitizen credentials, may cause families, who are otherwise eligible for benefits, to lose their home under this proposed rule. Additionally, this requisite has the potential to further burden an already fraught and backlogged USCIS.

¹ 12 U.S.C. 1715z; 12 U.S.C. 1715z-1; 12 U.S.C. 1701s; 42 U.S.C. 1437 *et seq.*

² 24 CFR 5.508(b)(3)

³ 24 CFR 5.508(b)(2)

⁴ AILA Policy Brief: USCIS Processing Delays Have Reached Crisis Levels Under the Trump Administration.
<https://www.aila.org/File/DownloadEmbeddedFile/79015>


⁵ *Id.*


Finally, the underlying justification for the Department's proposed rule change seems deeply flawed. The Department indicates that it is making these proposed changes to be more consistent with the statute's stated goal of ensuring that HUD's limited financial resources be used to aid families "lawfully present in the United States". Current requirements already meet that goal by prorating assistance for mixed-status families, meaning no federal aid is dedicated to the household member who is not a U.S. citizen. Housing and legal experts additionally question whether the policy proposal would make any dent in the waiting lists for affordable housing that you are seeking reduce. For example, a recent study conducted by the National Low-Income Housing Coalition identified approximately 1.6 million families on public housing waiting lists around the country and more than 2.8 million families on waitlists for the Housing Choice Voucher program, commonly referred to as the Section 8 program. Combined, these two waitlists represent more than 4.4 million families nationwide, which far exceeds the nominal number of HUD-assisted households that the rule seeks to assist.⁶⁷


Congress and the Administration should work together to identify meaningful tools and policies to build strong, sustainable, inclusive communities and quality affordable homes for all, as is HUD's mission. We respectfully renew our call for you withdraw the proposed rule.

Thank you for your attention to this important matter.

Sincerely yours,


Joaquin Castro
Chairman
Congressional Hispanic Caucus


Karen Bass
Chairwoman
Congressional Black Caucus


Judy Chu
Chairwoman
Congressional Asian Pacific American Caucus

⁶ Needham, Vicki *HUD audit finds 25,000 ineligible families in public housing*

<https://thehill.com/policy/finance/251330-hud-audit-finds-25000-ineligible-families-in-public-housing>

⁷ O'Donnell, Katy *HUD moves to crack down on undocumented immigrants in public housing*

<https://www.politico.com/story/2019/04/18/hud-immigrants-public-housing-1367559>



Nydia M. Velázquez
Member of Congress



André Carson
Member of Congress



Adriano Espaillat
Member of Congress



Gilbert R. Cisneros, Jr.
Member of Congress



Nanette Diaz Baragán
Member of Congress



Yvette Clarke
Member of Congress



Lucille Roybal-Allard
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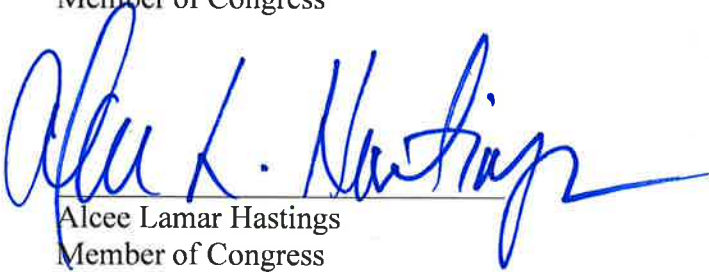
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Member of Congress



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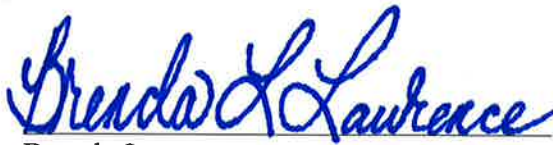
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Member of Congress



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Brenda Lawrence
Member of Congress



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Member of Congress



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Member of Congress



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Member of Congress



Juan Vargas
Member of Congress



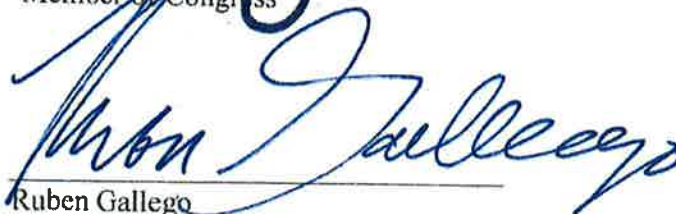
Gregorio Kilili Camacho Sablan
Member of Congress



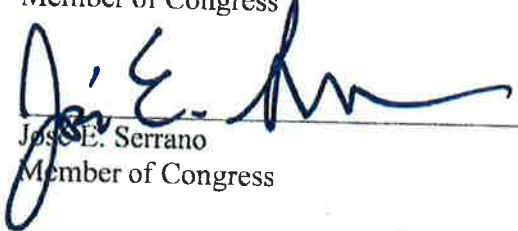
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Member of Congress



Michael San Nicolas
Member of Congress




Ruben Gallego
Member of Congress



José E. Serrano
Member of Congress



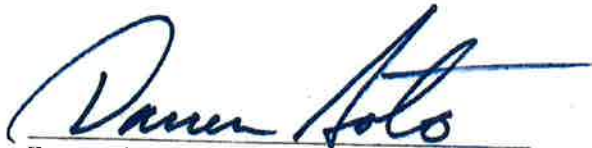
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Member of Congress



Bobo Sires
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J. Luis Correa
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Grace F. Napolitano
Member of Congress



Lori Trahan
Member of Congress